

## **Exhibit 9**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

IN RE THOMAS AND FRIENDS™  
WOODEN RAILWAY TOYS LITIGATION

This Document Relates To:

*Hesse v. Learning Curve Brands, Inc., et al.*, No. 07 C 3514;

No. 07 C 3514

*Deke v. RC2 Corp. et al.*, No. 07 CV 3609;

*Walton v. RC2 Corp. et al.*, No. 07 CV 3614;

Judge Leinenweber

*O'Leary v. Learning Curve Brands, Inc.*, No. 07 C 3682;

*Djurisic v. Apax Partners, Inc., et al.*, No. 07 C 3707;

*Reddell v. Learning Curve Brands, Inc., et al.*, No. 07 C 3747;

*Rhode v. Learning Curve Brands, Inc., et al.*, No. 07 C 4187;

*Kreiner v. RC2 Corp., et al.*, No. 07 C4547;

*Wilson v. RC2 Corp., et al.*, No. 07 CV 4642

**RC2'S INITIAL DISCLOSURES UNDER FRCP 26(A)(1)**

Defendants, RC2 Corporation and Learning Curve Brands, Inc.<sup>1</sup> (collectively "RC2"), by counsel, and pursuant to Federal Rule of Civil Procedure 26(a)(1), provide the following disclosures:

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<sup>1</sup> Plaintiffs have not included a caption with their "First Amended Consolidated Complaint of the Consensus Plaintiffs' Group" that states the defendants in this case. It is the intention of Defendants to provide these disclosures on behalf of all defendants.

**PRELIMINARY STATEMENT**

1. These initial disclosures are based upon information reasonably available to the RC2 at this time. RC2's investigation into Plaintiffs' claims is continuing. RC2 reserves the right to make supplemental and subsequent disclosures as information becomes available in the course of investigation and discovery.

2. In making its initial disclosures, RC2 does not waive any objections based upon relevance, materiality, competence, privilege, immunity from disclosure, or any other grounds.

**INITIAL DISCLOSURES**

**26(a)(1)(A). Individuals Likely to Have Discoverable Information**

All disclosed individuals are employees of RC2 and may be reached through counsel for RC2, Ice Miller LLP. The individuals named in paragraphs 1 through 8 are employed at RC2's headquarters, 1111 West 22nd Street, Oak Brook, Illinois 60523. The individuals named in paragraphs 9-11 are employed at RC2's facilities in China.

1. Joseph Gheith  
Product Integrity Manager  
Quality Control/Quality Assurance; Product Testing
2. Peter J. Henseler  
President of RC2 Corporation  
General Administration and Organization; Corporate Structure; Recall of Thomas & Friends™ Wooden Railway Toys; Marketing; Manufacturing; Quality Control/Quality Assurance; Product Testing
3. Greg Kilrea  
Chief Operations Officer of RC2 Corporation  
Recall of Thomas & Friends™ Wooden Railway Toys, including Recall Statistics and Recall Procedures; Quality Control/Quality Assurance; Product Testing
4. Joal Kjarsgaard  
Team Leader Wooden Train Play  
Thomas Product Line; Marketing

5. Sarah Meltzer  
Consumer Marketing Manager  
Recall of Thomas & Friends™ Wooden Railway Toys
6. Greg Miller  
Senior Vice President – Consumer Groups  
Recall of Thomas & Friends™ Wooden Railway Toys; Thomas Product Line
7. Curtis W. Stoelting  
Chief Executive Officer of RC2 Corporation  
General Administration and Organization; Corporate Structure; Recall of Thomas & Friends™ Wooden Railway Toys; Manufacturing; Quality Control/Quality Assurance; Product Testing
8. Jody Taylor  
Chief Financial Officer of RC2 Corporation  
Financial Matters; Product Testing; General Administration and Organization
9. Eric Chan  
Director of QA/QC, HK  
Quality Assurance and Quality Control
10. Helena Lo  
Managing Director, HK  
General Operations of RC2 in China, including Manufacturing and Shipping
11. Kelvin Neg  
Senior VP Product Development and Engineering, HK  
Product Development and Engineering in China at HK
12. Representatives of Overseas Winner  
Manufacturing Specifications and Suppliers
13. Representatives of 3i Corporation  
Manufacturing Specifications and Suppliers
14. Representatives of Wing Shein  
Paint Manufacturing and Specifications
15. Personnel of Bureau Veritas Consumer Products Services, Inc.  
Product Testing and Test Data
16. Personnel of Intertek  
Product Testing and Test Data

**26(a)(1)(B). Description by Category and Location of Documents and Things**

1. Thomas & Friends <sup>TM</sup> Wooden Railway Toys returned to RC2 pursuant to the voluntary recalls. The toys are currently being collected and will be stored at a location(s) within RC2's custody, possession and control.
2. Documents related to Thomas & Friends <sup>TM</sup> Wooden Railway Toys returned to RC2 pursuant to the voluntary recalls. These documents are located in RC2 Corporation's headquarters in Oak Brook, Illinois.
3. Documents related to product testing. These documents are located in RC2 Corporation's headquarters in Oak Brook, Illinois, RC2's facility in Dyersville, Iowa, and/or in RC2's facilities in China.
4. Documents related to manufacturing specifications and agreements. These documents are located in RC2 Corporation's headquarters in Oak Brook, Illinois, RC2's facility in Dyersville, Iowa, and/or in RC2's facilities in China.

**26(a)(1)(C). Computation of Damages**

RC2 has not asserted an affirmative claim for damages against Plaintiffs at this time; however, RC2 reserves the right to do so in the future. Moreover, RC2 seeks recovery of their costs incurred in this lawsuit as permitted by applicable law.


**26(a)(1)(D). Insurance Agreements**

RC2 is currently analyzing which of its insurance policies might provide coverage that may be used to "satisfy all or part of a judgment which may be entered in the current action." Fed. R. Civ. P. 26(a)(1)(D). RC2 expects to complete this analysis by November 2, 2007, and thereafter will produce any such insurance agreement for inspection and copying at a mutually agreeable time.

Dated: October 26, 2007

Respectfully submitted,

ICE MILLER

A handwritten signature in cursive script, appearing to read "James L. Petersen", written over a horizontal line.

James L. Petersen

*Attorney for Learning Curve Brands Inc.  
and RC2 Corporation*

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(317) 236-2100



**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was served via U.S. Mail on the 26th day of October, 2007, to all counsel of record in the following cases:

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